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ENCROACHMENT PERMIT GENERAL PROVISIONS

1. **Authority:** This permit is issued in accordance with Chapter 13.04 of the Mono County Code.
2. **Revocation:** Terms and conditions for any Encroachment Permit issued are revocable or subject to modification at any time. However, prior rights, including those evidenced by joint use agreement, franchise rights, or reserved right for operating purposes in a grant of highway easement are not so subjected to revocation.
3. **Term:** The term of each encroachment permit shall expire twenty-four (24) months from the date issued, with further understanding that a maximum extension of twenty-four (24) months may be granted subject to approval by the Public Works Director. Such extension requests must be submitted in writing, thirty (30) days prior to the expiration of the permit. All improvements must be constructed and accepted by the Department of Public Works prior to permit expiration.
4. **Responsible Party:** No party other than the named Permittee or contractor of the Permittee is authorized to work under this permit. Permittee is fully responsible for all expenses related to project improvements.
5. **Acceptance of Provisions:** It is understood and agreed by the Permittee that the doing of any work or the maintaining of the encroachment under this permit shall constitute an acceptance of the provisions of this permit and all attachments.
6. **No Precedent Established:** This permit is granted with the understanding that this action is not to be considered as establishing any precedent on the question of the expediency of permitting any kind of encroachment to be erected within the Right-of-Way of County roads.
7. **Notice Prior to Starting Work:** Under this permit, the Permittee shall notify the Department of Public Works forty-eight (48) hours prior to the initial start of work.
8. **Keep Permit at the Work Site:** This permit or a copy thereof shall be kept at the site of the work and must be shown to any representative of the Department of Public Works or any law enforcement officer on demand.
9. **Permits From Other Agencies:** The party or parties to whom this permit is issued shall, whenever the same is required by law, secure the written order or consent to any work hereunder from the Public Utilities Commission of the State of California, CAL-OSHA, or any other public agency having jurisdiction, and this permit shall not be valid until such order or consent is obtained.

10. **Protection of Traffic:** Adequate provisions shall be made for the protection of the traveling public. Warning signs, lights and other safety devices and other measures required for public safety shall conform to and follow the requirements of Section 21401 of the Vehicle Code and of any sign manual issued by the Department of Public Works. Nothing in this permit is intended to impose on the Permittee any different or higher standard of care than that required by law.
11. **Minimum Interference with Traffic:** All work shall be planned and scheduled so that there will be the least possible inconvenience to the traveling public. For full or partial lane closures, permittee is directed to place flagmen to stop and warn traffic for necessary protection to public safety, but traffic shall not be unreasonably delayed. The road shall not be closed or traffic lanes blocked unless specifically authorized by this permit or without first obtaining permission from the Department of Public Works. When permission is obtained, the Permittee shall notify the Highway Patrol, Sheriff's Department and Local Fire Department prior to road closure.
12. **Storage of Materials:** No material shall be stored within eight (8) feet from the edge of pavement or traveled way or within the shoulder line where the shoulders are wider than eight (8) feet.
13. **Clean Up Right-Of-Way:** Upon completion of the work, or as otherwise directed, all debris, brush, timber, scraps, construction material, etc., shall be entirely removed from the County Right-of-Way and the roadway left in as presentable condition as existed before work started.
14. **Standards Of Construction:** All work performed within the County Road shall conform to the requirements of the Department of Public Works, and is subject to inspection and approval by the Department.
15. **Expense of Inspection:** The Permittee will be billed for actual costs of inspection; such costs will include salaries, travel expenses, incidental expenses and overhead.
16. **Future Moving of Installation:** It is understood by the Permittee that future construction, reconstruction, or maintenance work in the County Right-of-Way may require that the installation provided for herein be moved or altered and that such improvements shall be immediately moved by and at the sole expense of, the Permittee, upon request by the Department of Public Works.
17. **Liability for Damages:** The Permittee is responsible for all liability for personal injury or property damage which may arise out of work herein permitted, or the encroachment to be maintained hereunder, or which may arise out of failure on the Permittee's part to perform his obligations under this permit with respect to maintenance. In the event any claim of such is made against the County of Mono, or any department, officer, or employee thereof, Permittee shall defend, indemnify and hold them and each of them harmless from such claim. Nothing herein is intended to impose on the Permittee any different or higher standard of care than that required by law.
18. **Bonding:** This permit shall not be effective for any purpose unless and until the Permittee files with the Department of Public Works, a Faithful Performance Bond or other acceptable sureties in the form and amount established by the Department of Public Works, to insure that the work will be done in conformance with the permit. Surety is not ordinarily required of any public corporation or publicly or privately owned utility, but will be required of any utility that fails to meet any obligation arising out of the work permitted or done under a permit or fails to maintain its plant, work or facilities.

19. **Making Repairs:** In every case, the Permittee shall be responsible for restoring to its former condition any portion of the county roadway which has been excavated or otherwise disturbed except where the Department of Public Works elects to make repairs to paving and except where provision to the contrary is made in the permit. If the roadway is not restored as herein provided, or if the Department elects to make repairs, the Permittee agrees by acceptance of the permit to bear the cost liability.
20. **Maintenance:** By the acceptance of this permit, the permittee agrees to exercise reasonable care; to properly maintain any encroachment placed in the Right-of-Way and to exercise reasonable care in inspection of and the immediate repair of any portion of the Right-of-Way which is damaged as a result of the construction or maintenance of the encroachment done under this permit. Such inspection and immediate repair shall apply to any and all injury to the roadway or Right-of-Way which would not have occurred had such work not been done or such encroachment not placed therein.
21. **Sedimentation and Erosion Control:** Permittee shall ensure that no sediment or erosion shall impact adjoining County Right-of-Way, watercourses or properties during construction. Areas disturbed in the County Right-of-Way as a result of this permit shall be stabilized against future erosion by a method approved by the Department of Public Works.